

Senate Bill 183

By: Senators Douglas of the 17th, Moody of the 56th, Starr of the 44th, Miles of the 43rd and Staton of the 18th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 36-66-5 of the Official Code of Georgia Annotated, relating to adoption of hearing policies and procedures and standards for the exercise of zoning power, so as to require investigation, reports, and consideration of effects of zoning decisions on local school systems; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 36-66-5 of the Official Code of Georgia Annotated, relating to adoption of hearing policies and procedures and standards for the exercise of zoning power, is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b)(1) In addition to policies and procedures required by subsection (a) of this Code section, each local government shall adopt standards governing the exercise of the zoning power, and such standards ~~may~~:

(A) May include any factors which the local government finds relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property; and

(B) Shall require the local government or its planning department or similar agency charged with the duty of reviewing zoning proposals to consult with the local school system and investigate and report in writing whether the zoning proposal will result in a use that will or may cause or contribute to a significantly increased population of school age children, a significant proportion of multifamily housing, the need for expansion or reconstruction of existing public schools or construction of new public schools in the affected local school system, or any combination thereof. The report of the results of such investigation shall be a public record. At any hearing or meeting at which a governing authority has under consideration a zoning proposal, the report of such investigation shall be attached to the zoning proposal and reviewed. The review of such report at such hearing or meeting shall consist, at a minimum, of the

1 presentation of such written report to the members of the governing authority together
2 with a limited supply of copies of such report to be available at the hearing or meeting
3 and available on request to interested members of the public. The provisions of this
4 subparagraph shall apply to each local government exercising zoning power in this
5 state, including without limitation any local government that is subject to the provisions
6 of Chapter 67 of this title. As used in this subparagraph, the term:

7 (i) 'Significantly increased population of school age children' means a projected
8 increase of 35 percent or more in the student enrollment for any public school in the
9 local school system within four years after approval of the zoning proposal.

10 (ii) 'Significant proportion of multifamily housing' means a projection that 38 percent
11 or more of the population of school age children within the student assignment area
12 for any public school in the local school system will reside in multifamily housing
13 within four years after approval of the zoning proposal.

14 (2) Such standards shall be printed and copies thereof shall be available for distribution
15 to the general public."

16 **SECTION 2.**

17 All laws and parts of laws in conflict with this Act are repealed.